

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>****I. EXECUTIVE SUMMARY**

Date of Incident:	January 21, 2016
Time of Incident:	12:00 p.m.
Location of Incident:	XXXX N. Cleveland, Chicago, IL
Date of COPA Notification:	January 25, 2016
Time of COPA Notification:	10:20 a.m.

According to Civilian 1<sup>2</sup> on January 21, 2016, at or about 12:00 p.m., he was standing outside his apartment building, at or near XXXX N. Cleveland St., Chicago, IL, and watching the outdoor filming of a television show, "Chicago Fire." Civilian 1 was observing as a bystander and was not involved with the show's production. After watching for approximately twenty minutes, an unknown, white, male, uniformed CPD officer Civilian 1 believed was named "Officer A", asked Civilian 1 to leave the location where he was standing. Civilian 1 refused to leave and told "Officer A" he would have to take him to jail -- at which point he was placed in custody, handcuffed, and placed into an unmarked squad car for transport to district. The handcuffs were overly-tightened and the officer jerked his hand and arms up behind his back, which Civilian 1 alleged caused him to experience a mild heart attack. During the transport, Civilian 1 complained of chest pains, however "Officer A" did not immediately call for medical assistance and drove towards the station. Civilian 1 again complained of chest pains, and a black, female officer he believed was a sergeant responded and told the transport officer(s) to call for an ambulance. Civilian 1 was unhandcuffed and released, and an ambulance arrived at N. Cambridge Ave. at Hobbie St. The paramedics transported Civilian 1 to Northwestern Memorial Hospital where he was admitted.

Civilian 1 was not arrested or placed in custody once taken to Northwestern, and CPD records do not reflect an investigatory stop, detention or arrest of a Civilian 1 or Civilian 1A occurred on that date.

IPRA and COPA's attempts to identify the accused "Officer A" were unsuccessful.<sup>3</sup>

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> Attachment 33. CPD Arrest History records documented "Civilian 1" or "Civilian 1" is an alias and the Complainant's real name is Civilian 1A. (IR#XXXXXXX, FBI#XXXXXXXXXX). For purposes of this report, however, for clarity he shall be referred to "Civilian 1".

<sup>3</sup> See Attachment 35.

## II. INVOLVED PARTIES

Involved Officer #1:	Unknown Officer (), Star #Unknown, Employee ID #Unknown, Date of Appointment: Unknown, Police Officer, XXth District, DOB: Unknown, M, White.
Involved Officer #2:	Sergeant A, Star #XXXXXX, Employee ID #XXXXXXX, Date of Appointment: XXXXXXXX XX, 1988, Sergeant, XX <sup>th</sup> District, DOB: XXXXX XX, 1958, F, Black.
Subject #1:	Complainant-Victim, Civilian 1 (a/k/a Civilian 1A), 58, Black, XXXX N. Cleveland St., #X, Chicago, IL 606XX.

## III. ALLEGATIONS

Officer	Allegation	Finding
Unknown Officer A	<ul style="list-style-type: none"> <li>1. Overly tightened Civilian 1's handcuffs during his arrest, causing injury, in violation of Rule 8.</li>   <li>2. Improperly arrested Civilian 1, in violation of Rule 1.</li> </ul>	Unfounded
		Unfounded

## IV. APPLICABLE RULES AND LAWS

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### Rules

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1. **Rule 1:** Prohibits violation of any law or ordinance.
2. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.

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### Federal Laws

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**1. The Fourth Amendment to the Constitution of the United States (U.S. Const. Amd. IV as incorporated by Ill. Const. Art. I, Sec. 6).p**

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

## V. INVESTIGATION

COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

### a. Interviews

#### 1. Complainant-Victim Civilian 1

In an interview with IPRA on January 25, 2016,<sup>4</sup> **Complainant-Victim Civilian 1** stated that on the date and time alleged, he was stopped by uniformed CPD officers while he was standing outside his apartment building, minding his own business and watching a film crew shoot a “Chicago Fire” TV show episode in the vicinity of XXXX N. Cleveland St., near the intersection of Cambridge and Hobbie.

Civilian 1, who is black, related that after watching the filming for about twenty-minutes, a white, male, uniformed officer named “Officer A”<sup>5</sup> asked him to leave, but did not ask white bystanders to also leave the area. He believed he was told to move because of his race. Civilian 1 said he refused to leave the area, and that the officer then told him he was under arrest. The officer handcuffed and lead Civilian 1 to a CPD squad car for transport. Civilian 1 said “Officer A” overly-tightened the handcuffs and yanked his hand and both arms upward behind his back, before placing him in a squad car for transport.

En route to the station, Civilian 1 told the officers that he was having chest pains. The officers, however, continued driving to the XX<sup>th</sup> District. “Officer A” asked Civilian 1 if he wanted to go home, and he replied no, that his car was located back where he watched the TV show filming. Civilian 1 continued to complain of chest pains and “Officer A” called his sergeant. A black, female sergeant arrived and told “Officer A” that Civilian 1 needed an ambulance. An ambulance was then called and arrived, and the paramedic took the handcuffs off Civilian 1, and walked him into the ambulance. The ambulance drove Civilian 1 to Hospital 1. Civilian 1 related he was treated at the hospital and told he had a mild heart attack. He blamed stress caused by the arrest by “Officer A” as causing his heart attack. He was released home the next day, on January 22, 2016.

### b. Documentary Evidence

The **CLEAR Data Warehouse Personnel Check and Liaison Unit Assignment Roster** showed that on January 21, 2016, “Chicago Fire” season 4 was scheduled to be filmed at the location at issue. Officer B and Sergeant A were the only white male officer, and black female sergeant, respectively, assigned to that area. Sergeant A was assigned to Beat XXXX.<sup>6</sup>

The **OEMC Event Query and Unit Query** showed that Beat XXXX on-viewed an incident and called for an ambulance to respond at a Level 1 priority.<sup>7</sup>

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<sup>4</sup> Attachment 5

<sup>5</sup> A search of personnel working in the vicinity of the television filming locations showed no “Officer A” on duty.

<sup>6</sup> Attachment 26

<sup>7</sup> Attachment 25

The City of Chicago Fire Department Ambulance Report documented that CFD Ambulance #XX responded to XXXX W. Division St. at XXXX N. Cleveland Ave, on January 21, 2016 and arrived at approximately 12:26 p.m., for a victim with chest pain. Upon arrival, the patient, Civilian 1, was found in the care of CFD Engine Truck #3 alert and oriented and complaining of chest pain. The report documented that Mr. Civilian 1 told paramedics that his chest pain first began earlier in the morning when he was watching television. Mr. Civilian 1 told paramedics his pain had since subsided. He walked into the ambulance and was taken to Northwestern Memorial Hospital.<sup>8</sup>

Sergeant A submitted a witness report to IPRA detailing her recollections of the incident. Sergeant A stated that on January 21, 2016, she was assigned to the movie detail for the "Chicago Fire" filming at Cambridge and Hobbie. She said she had no recollection of Civilian 1 or why he would be told to leave the filming location. Sergeant A did not provide any information of evidentiary value regarding the incident.<sup>9</sup>

### c. Physical Evidence

#### 1. Medical Records

Relevant medical records were obtained from Hospital 1, as well as ambulance records from the Chicago Fire Department.<sup>10</sup> Ambulance records documented that at 12:56 p.m. on January 21, 2016, paramedics arrived at XXXX W. Division St., and that Civilian 1 walked into the ambulance.<sup>11</sup> Civilian 1 told paramedics he had pain: "starting in the morning when he was watching TV [...] it came up from his leg to his chest and to his back. Pt. says he is pain free now." No mention was made of wrist injuries or any involvement or abuse by police. The ambulance arrived at Hospital 1 at 1:13 p.m.<sup>12</sup>

The Hospital 1 records documented Civilian 1 had a complicated pertinent medical history, including significant coronary artery disease (with prior angioplasty and placement of three coronary stents in 2005, and two additional placed in 2012), a pulmonary embolism in 2014, prostate cancer, poorly controlled diabetes, poorly controlled hypertension, heavy smoking (>10/day) and past pertinent history of alcohol and cocaine use.

Intake records were conflicting: An ER triage note entered at 2:39 p.m. documented Civilian 1 told staff: "States at 7 a.m. he had a pain in the L leg. Hours later his chest started hurting. States the chest pain comes and goes every hour. [Alert and Oriented] x 3. Denies injury."<sup>13</sup> At 4:50 p.m., however, Civilian 1 reported that: "[...] his chest pain started after an altercation with a movie crew who was filming near his home."<sup>14</sup> Cardiac enzymes/troponin test results were normal, however, and EKGs were stable from baseline, indicating an in-progress heart attack was likely *not* occurring.

A January 22, 2016 inpatient cardiology progress note documented that Civilian 1 complained of one brief episode of chest pain that morning with no further symptoms, and that myocardial

<sup>8</sup> Attachment 22

<sup>9</sup> Attachment 29

<sup>10</sup> Attachments 22, 24

<sup>11</sup> Attachment 22

<sup>12</sup> Id.

<sup>13</sup> Attachment 24, See pg. 14 Assessment, Nurse 1, 2:33 p.m., 1-21-16.

<sup>14</sup> Id. Pg. 14, Assessment, Nurse 2, 4:48 p.m., 1-21-16.

perfusion imaging testing indicated a new inferior myocardial infarction, not present on his last cardiac scan(s), with no reversible ischemia.<sup>15</sup>. Additional cardiology notes documented Civilian 1 complained of “chest pain and arm pain after physical altercation.”<sup>16</sup> Subsequent history notes by cardiologist Doctor 1, however, documented that Civilian 1: “[was] a poor historian and very confrontational/guarded regarding his history. Pt. is reluctant to give history and does not remember many details, often insisting that ‘it’s in the chart’ instead of answering questions, forthright. In regard to pain, he noted left medial pain upon waking up this morning that ‘shot up to his left chest.’ Describes the pain as intermittent, dull and sharp, without radiation to his back. No association with any movement. [...] His chest pain, however, has been intermittent, not only associated with this episodic leg pain, but reports frequent chest pain at rest over the course of the past month. Per patient he was advised to stop his meds including asa/Plavix and Coumadin, although prior admission/discharge notes all report that he was discharged with strict instructions to continue Coumadin and asa/81[...].”<sup>17</sup>

## VI. ANALYSIS

### 1. Unknown Officer

COPA recommends a finding of UNFOUNDED for **Allegation #1** that on January 21, 2016 at approximately 12:00 p.m., in the vicinity of Cambridge Ave. and Hobbie St., an **Unknown Officer** applied overly-tight handcuffs to Civilian 1, causing injur(ies), in violation of Rule 8, “Disrespect/maltreatment of any person while on or off duty.”

The objective evidence and statements by Civilian 1 contradict the allegation, or, at best, do not support the claim by a preponderance of evidence. The dissonance between the two markedly undermines the credibility of Civilian 1’s claims. Civilian 1 complained to IPRA that his wrists were injured by an “Officer A” applying overtight handcuffs and jerking his arms upward, and that the stress of the encounter then triggered a heart attack – an assertion subsequently, completely contradicted by the CFD Ambulance and Hospital 1 records.

For COPA’s purposes, the preponderance of objective evidence in this case showed that even if Civilian 1 was handcuffed by *any* CPD officers as alleged, the actions did not injure his wrists or arms or directly and proximately cause Civilian 1 to have a heart attack on January 21 or 22, 2016. Notably, Civilian 1 first complained of severe leg pain later radiating into the chest beginning the early morning of the incident, before any alleged interaction with CPD. Regarding evidence of wrist injury, the hospital and ambulance records lacked any complaints or observation of visible wrist trauma or injury. The medical records likewise omit any mention of CPD involvement. The numerous foregoing material omissions and inconsistencies, coupled with Sergeant A’s witness report to IPRA, and the outright lack of objective evidence showing Civilian 1 was ever detained or arrested by CPD, further undermines Civilian 1’s credibility. The fact Civilian 1 did not report to treaters on January 21, 2016 that his chest pains started after he was detained or injured by CPD, further diminishes his credibility. That the ER triage note he had pain

<sup>15</sup> Id. Pg. 21, Addended cardiology progress note, Doctor 1, 6:00 p.m. 1-22-16

<sup>16</sup> Id. Pg. 36, Addended cardiology clinical notes, Doctor 1, 5:58 p.m. 1-22-16.

<sup>17</sup> Id.

after an altercation with a film crew – not mentioning CPD – even further diminishes the credibility of his accounts.

As such, coupled with the foregoing serious lack of credibility of his accounts of the incident, there is, at minimum, insufficient objective proof needed to sustain Civilian 1's allegation, warranting a finding of Unfounded.

COPA recommends a finding of UNFOUNDED for **Allegation #2** that an **Unknown Officer** improperly arrested Civilian 1, in violation of Rule #1, "Violation of any rule or ordinance," for the multiple reasons set forth above. The totality of evidence does not support, by a preponderance, Civilian 1 was ever forcibly detained during an investigatory stop or arrested by CPD on the date alleged, and thus, cannot support the allegation. A finding of Unfounded is thus warranted.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Unknown Officer	<ol style="list-style-type: none"><li>1. Overly tightened Civilian 1's handcuffs during his arrest, causing injury, in violation of Rule 8.</li><li>2. Improperly arrested Civilian 1, in violation of Rule 1.</li></ol>	<p>Unfounded</p> <p>Unfounded</p>

Approved:

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*Deputy Chief Administrator 1 – Chief Investigator 1*      Date

## Appendix A

Assigned Investigative Staff

<b>Squad#:</b>	X
<b>Investigator:</b>	Investigator 1
<b>Supervising Investigator:</b>	Supervising Investigator 1
<b>Deputy Chief Administrator 1:</b>	Deputy Chief Administrator 1